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11 Attorneys for Defendant
 12 TARGET CORPORATION

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

16 PLANTRONICS, INC.,) Case No. CV 05-05232 PJH
 17 a Delaware corporation,)
 Plaintiff,) **STIPULATION AND [PROPOSED]**
 18 v.) **ORDER OF DISMISSAL**
) **WITH PREJUDICE UNDER**
) **FED. R. CIV. P. 41(a)**
 19 TARGET CORPORATION,)
 20 a Minnesota corporation,)
 Defendant.)

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 23 Pursuant to Fed. R. Civ. P. 41(a), Plaintiff Plantronics, Inc. (“Plantronics”) and Defendant
 24 Target Corporation (“Target”) hereby stipulate to dismissal with prejudice of the instant action and
 25 all claims pleaded in the instant action (including Plantronics’ claims against Target for
 26 infringement of United States Patent No. Des. 475,694 and United States Patent No. Des. 480,072,

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STIPULATION AND [PROPOSED] ORDER OF
 DISMISSAL WITH PREJUDICE
 Case No. CV 05-05232 PJH

1 infringement of the trade dress of Plantronics' MX150 headset product, and unfair competition
2 under Cal. Bus. & Prof. Code § 17200), without the award of costs or expenses, including
3 attorneys' fees, to any party.

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5 DATED: May 1, 2006

FENWICK & WEST LLP

6

7 By: /s/ Darryl M. Woo

8 Darryl M. Woo

9

10 Attorneys for Plaintiff
11 PLANTRONICS, INC.

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13 DATED: May 1, 2006

MORRISON & FOERSTER LLP

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15 By: /s/ Oliver Dunlap

16 Oliver Dunlap

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ATTESTATION PURSUANT TO GENERAL ORDER 45

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I, Darryl M. Woo, attest that concurrence in the filing of this document has been obtained
21 from any signatories indicated by a "conformed" signature (/S/) within this e-filed document.

22

I declare under penalty of perjury under the laws of the United States of America that the
23 foregoing is true and correct. Executed this 1st day of May, 2006 at San Francisco, California.

24

25 By: /s/Darryl M. Woo

Darryl M. Woo

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Attorneys for Plaintiff

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2 **ORDER**
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4 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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6 Dated: May 11, 2006
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PROOF OF SERVICE

The undersigned declares that:

I, John E. Janhunen, am employed in the County of San Francisco, State of California.

4 I am over the age of 18 and not a party to this action. My business address is: Fenwick & West
5 LLP, 275 Battery Street, 16th Floor, San Francisco, California 94111.

On May 1, 2006, I caused to be served the attached:

**STIPULATION AND [PROPOSED] ORDER OF DISMISSAL
WITH PREJUDICE UNDER FED. R. CIV. P. 41(a)**

9 on the parties in the subject action by placing a true copy thereof as indicated below, addressed as follows:

JAMES R. STEFFEN
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402-3901
jrsteffen@faegre.com

- FACSIMILE:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth above on this date
- US MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth above.
- EMAIL:** by causing to be transmitted via e-mail courtesy copies of the document(s) listed above to person(s) set forth below

9 I declare under penalty of perjury under the laws of the State of California that the
0 foregoing is true and correct.

Date: May 1, 2006

/s/ John E. Janhunen
John E. Janhunen